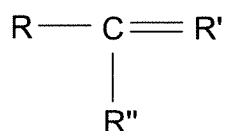


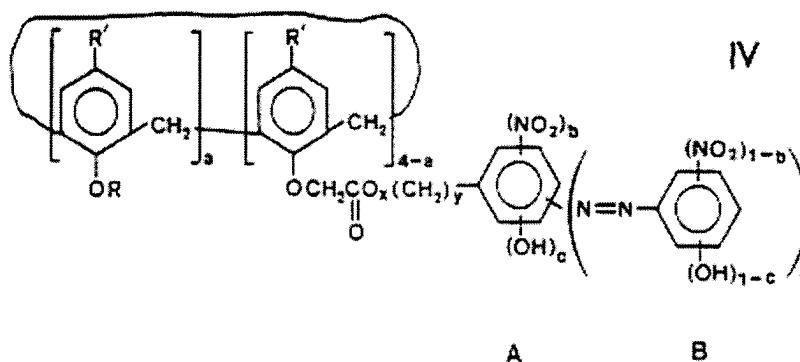
REMARKS

Currently, claims 1, 5-7, 12-16, and 18-21, including independent claim 1 and 16, are pending in the present application. Independent claim 1, for instance, is directed to an assay device for detecting the presence or absence of amines within a test sample. The assay device comprises a porous membrane (e.g., nitrocellulose strip) that defines a detection zone. A chemichromic dye is contained within the detection zone. As indicated above, independent claim 1 has also been amended to include the limitations of previous claim 4. That is, independent claim 1 now requires that the chemichromic dye includes a triarylmethane that is capable of undergoing a detectable color change upon reaction with one or more amines, the triarylmethane having the following general structure:



wherein R, R', and R'' are independently selected from substituted and unsubstituted aryl groups. Examples of such triarylmethanes include, for instance, pararosanilin, alpha-naphtholbenzein, naphthochrome green, or analogs thereof.

In the Office Action, previous dependent claim 4 (now incorporated into independent claim 1) was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,599,913 to Harris, et al. Harris, et al. is directed to a chromoionophore having a certain structure. The Office Action indicates that Harris, et al. teaches a variety of chemical compounds having the structure of the claimed triarylmethane. Applicants respectfully disagree. The chromoionophores of Harris, et al. have the following formula IV:



This compound, however, is simply not a “triarylmethane.” For at least these reasons, Applicants respectfully submit that previous claim 4 (now incorporated into independent claim 1) patentably defines over Harris, et al.¹

Thus, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner DiRamio is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.


Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

¹ Previous claim 4 was also rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Appl. Pub. No. 2006/0008921 to Daniels, et al. in view of U.S. Patent No. 7,014,816 to Miller, et al. and U.S. Patent No. 5,599,913 to Harris, et al. In this rejection, Harris, et al. was said to disclose the claimed triarylmethane. As noted above, however, Harris, et al. does not disclose or suggest the claimed triarylmethane. Thus, even if somehow combined together, the references fail to disclose each limitation of the present claims.

Appl. No. 10/790,617
Amdt. dated Feb. 19, 2008
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Respectfully requested,

DORITY & MANNING, P.A.



Jason W. Johnston
Registration No. 45,675
P.O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

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